

## REMARKS

The Examiner has:

- I. Rejected Claims 1-5 under 35 U.S.C. §102(b) as being anticipated by Alvarado et al.

### **I. The Claims Are Not Anticipated**

The Examiner has rejected Claims 1-5 under 35 U.S.C. §102(b) as allegedly anticipated by Alvarado et al. We disagree. As indicated by the information disclosure statement submitted along with the Applicants' April 12<sup>th</sup>, 2007 Request For Continued Examination, the Alvarado et al. reference is an Applicant publication that is not prior art. Briefly, while the pending application has a priority date of provisional application number 60/414,061 filed September 27, 2002; the earliest available date stamp for the Alvarado reference is January 24, 2002. Therefore, Applicants' respectfully contend that since Alvarado et al. was not available as a reference prior to September 27, 2001 that this reference cannot support a 35 U.S.C. §102(b) rejection.

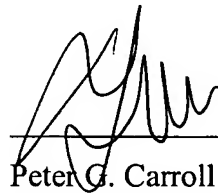
**G. Alvarado Urbina et al., "Innovations and Perspective in Solid Phase Synthesis and Combinatorial Libraries 2000" Editor Roger Epton "Direct Immobilization of Oligonucleotides on Polymer Supports. Use of Fmoc derivative in DNA/RNA synthesis. Methods for using Immobilized Oligonucleotides." Chapter 9, pp 37-42 (Date stamp January 24, 2002 Oxford Library and March 20, 2002 British Library Document Supply Center).**

The Examiner is reminded that there must be public dissemination in order for a reference to be prior art. See *In re Tenney*, 254 F.2d 619, 117 USPQ 348 (CCPA 1958) (concurring opinion by *J.Rich*) ("Knowledge is not in the possession of *the public* where there has been no dissemination, as distinguished from technical accessibility..." The real significance of the word "printed" is grounded in the "*probability* of wide circulation."). Since the library date stamps show that dissemination was less than one year prior to Applicants' priority, it cannot be a 102(b) reference.

**CONCLUSION**

Based on the arguments provided above, Applicants believe that Claims 1-5 are in condition for allowance. Should the Examiner believe a telephone interview would aid in the prosecution of this application, the Applicants encourage the Examiner to call the undersigned at 617-984-0616.

Dated: January 3, 2008



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